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ROBERT C. KOWERT
CONLEY, ROSE & TAYON, P.C.
P.O. BOX 398
AUSTIN, TX 78767-0398

EXAMINER

DINH, KHANH Q

ART UNIT PAPER NUMBER

2151

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/552,984

Applicant(s)

ALLAVARPU ET AL.

Examiner

Khanh Dinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-22, 24-35 and 37-39 is/are rejected.
- 7) ☒ Claim(s) 10, 23, 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in reply to the Response to the Office Action filed on 8/20/2004. Claims 1-39 are presented for examination.

Claim Objections

2. Claims 6, 19 and 32 are objected to because of the following informalities.

Abbreviations, symbols, acronyms, functional designations, letter combination, code names, nicknames mnemonic devices, project names, alphabetical contractions and general slang must be positively defined and identified in the claims.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-9, 11-22, 24-35 and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker et al US pat. No.6,363,421 in view of Sampat et al., US pat. No.6,279,029.

As to claim 1, Barker discloses a network management system comprising:

an event gateway (32 fig.2) which is coupled to one or more managed object (generating object applications 44 and 50 of fig.2) to deliver events to one or more managers (28 and 80 fig.3) (*i.e., using communication between the element system and the managed elements via SNMP*, see figs.2, 3, col.4 lines 6-67, col.5 line 2 to col.6 line 52 and col.11 line 15 to col.12 line 31).

a platform-independent interface to the event gateway, wherein the event gateway is configurable to communicate with the managers through the platform independent interface to deliver the events generated by the managed objects (see abstract, fig. 1A, 2, col.3 line 47 to col.4 line 64), wherein the gateway is configurable to provide the managers with subscriptions to the events as a function of event criteria specified by the managers, whereby events meeting the specified event criteria are delivered and events failing to meet the specified event criteria are filtered out (*i.e., using alarm notifications to the element management system via SNMP*, see col.4 line 65 to col.6 line 52, col.10 line 52 to col.12 line 61 and col.17 lines 3-59).

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Barker does not specifically disclose a plurality of server sinks configured to receive events generated by the managed objects and distribute the events to one or more managers such that one of the managers receives events from a plurality of different ones of the event distribution server sinks. However, Sampat discloses a plurality of server sinks (sink Media Service Providers MSPs to provide monitoring services capabilities to server applications, see fig.18, col.9 line 10 to col.10 line 46) configured to receive events generated by the managed objects and distribute the events from a plurality of different ones of the event distribution server sinks (see col.13 line 62 to col.14 line 57). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Sampat's server sinks into the computer system of Barker to provide multicasting on a computer network because it would have enabled media service providers to receive and play data according to a data stream of the channel over a computer network (see Sampat's col.2 lines 26-47).

As to claim 2, Barker discloses the event criteria comprising an object class for the managed objects generating the events (see figs.2, 3, col.12 line 34 to col.14 line 33 and col.17 lines 3-59).

As to claim 3, Barker discloses the event criteria comprise an object instance for one of the managed objects generating the events (see col.12 line 34 to col.14 line 33 and col.17 lines 359).

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As to claim 4, Barker discloses the event criteria comprise an event type (see col.12 line 34 to col.14 line 33 and col.15 line 36 to col.16 line 12).

As to claim 5, Barker discloses the platform-independent interface to the event gateway is expressed in an interface definition language, and wherein the interface definition language comprises a language for defining interfaces to managed objects across a plurality of platforms and across a plurality of programming languages (see col.12 line 34 to col.14 line 33 and col.15 line 36 to col.16 line 12).

As to claim 6, Barker discloses the interface definition language comprising OMG 1DL interface (see fig.4, col.7 line 38 to col.8 line 67 and col.9 line 20 to col.10 line 52).

As to claim 7, Barker discloses the managed objects comprise one or more objects corresponding to a telephone network (see col.3 line 47 to col.4 line 36 and col.7 line 38 to col.8 line 67).

As to claim 8, Barker discloses an object corresponding to a telecommunications device (see col.3 line 47 to col.4 line 36 and col.7 line 38 to col.8 line 67).

As to claim 9, Barker discloses an event distribution server, wherein the event distribution server is configurable to listen for the events generated by the one or more managed objects and delivering the events to the one or more managers (see also figs.

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4 and 9, col.21 line 25 to col.23 line 64 and col.24 lines 7-63). Barker does not specifically disclose a plurality of server sinks. However, Sampat discloses a plurality of server sinks (sink Media Service Providers MSPs to provide monitoring services capabilities to server applications, see fig.18, col.9 line 10 to col.10 line 46 and col.13 line 62 to col.14 line 57). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Sampat's server sinks into the computer system of Barker to provide multicasting on a computer network because it would have enabled media service providers to receive and play data according to a data stream of the channel over a computer network (see Sampat's col.2 lines 26-47).

As to claim 11, Barker discloses the event distribution server comprising an event distribution server source which listens for the events from the one or more managed objects and one or more event distribution server sinks which are operable to dispatch the events to the one or more managers as a function of the subscriptions (see col.9 line 22 to col.10 line 49 and col.19 line 13 to col.20 line 59).

As to claim 12, Barker discloses the event distribution server sinks are distributed to provide load balancing (see col.29 line 27 to col.30 line 42 and col.37 line 4 to col.38 line 63).

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As to claim 13, Barker discloses the events are delivered through the platform-independent interface according to Internet Inter-Object Protocol (see co1.9 line 9 to co1.10 line 48).

As to claim 14, Barker discloses: registering a subscription of a manager application to one or more events (44 and 50 of fig.2) generated by one or more managed objects by specifying event criteria to an event gateway (32 fig.2, *i.e., using communication between the element system and the managed elements via SMNP, col.4 lines 6-67*), wherein the one or more managed objects which generate the one or more events are separate from the event gateway (32 fig.2) (using Java Applications 44 of fig.3 to control Object Server 66 of fig.3 for managing different service requests, see col.5 line 1 to col.6 line 52 and col.8 lines 1-64), wherein the event gateway is configurable to communicate with the manager application through a platform independent interface and generating a plurality of events including one or more events matching the specified event criteria (see abstract, fig. 1A, 2, co1.3 line 47 to co1.4 line 64).

determining whether the specified event criteria are met for each of the plurality of generated events and delivering each event for which the specified event criteria are met (see co1.9 line 22 to col.10 line 49 and col.19 line 13 to co1.20 line 59).

Barker does not specifically disclose a plurality of server sinks configured to delivery specified event criteria generated by the managed objects. However, Sampat discloses a plurality of server sinks configured to delivery specified event criteria generated by the managed objects (using sink Media Service Providers MSPs to provide monitoring

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services capabilities to server applications, see fig.18, col.9 line 10 to col.10 line 46 and col.13 line 62 to col.14 line 57). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Sampat's server sinks into the computer system of Barker to provide multicasting on a computer network because it would have enabled media service providers to receive and play data according to a data stream of the channel over a computer network (see Sampat's col.2 lines 26-47).

Claims 15-22 and 24-26 are rejected for the same reasons set forth in claims 2-9 and 11-13 respectively.

As to claim 27, Barker discloses a program instruction for network management comprising:

generating one or more managed objects by specifying event criteria (generating object applications 44 and 50 of fig.2) to an event gateway (32 fig.2) to deliver events to one or more managers (28 and 80 fig.3) separated from the event gateway (*i.e., using communication between the element system and the managed elements via SMNP*, see figs.2, 3, col.4 lines 6-67, col.5 line 2 to col.6 line 52 and col.11 line 15 to col.12 line 31), wherein the event gateway is configurable to communicate with the manager application through a platform independent interface (see abstract, figs. 1A, 2, col.1.3 line 47 to col.4 line 64).

generating a plurality of events including one or more events matching the specified event criteria and determining whether the specified event criteria are met for

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each of the plurality of generated events and delivering each event for which the specified event criteria are met (i.e., using alarm notifications to the element management system via SNMP, see col.4 line 65 to col.6 line 52, col.10 line 52 to col.12 line 61 and col.17 lines 3-59).

Barker does not specifically disclose a plurality of server sinks configured to delivery specified event criteria generated by the managed objects. However, Sampat discloses a plurality of server sinks configured to delivery specified event criteria generated by the managed objects (using sink Media Service Providers MSPs to provide monitoring services capabilities to server applications, see fig.18, col.9 line 10 to col.10 line 46 and col.13 line 62 to col.14 line 57). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Sampat's server sinks into the computer system of Barker to provide multicasting on a computer network because it would have enabled media service providers to receive and play data according to a data stream of the channel over a computer network (see Sampat's col.2 lines 26-47).

Claims 28-35 and 37-39 are rejected for the same reasons set forth in claims 2-9 and 11-13 respectively.

Response to Arguments

5. Applicant's arguments filed on 8/20/2004 have been fully considered but they are not persuasive.

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* Applicant asserts that the Sampat reference does not disclose a plurality of event distribution sinks.

Examiner respectfully disagrees. Examiner point out that Sampat does disclose a plurality of event distribution sinks to one or more managers [implement a plurality of sink Media Service Providers MSPs (1114, 1822 and 1818 of fig.14) to provide monitoring services capabilities to server applications such as receiving and transmitting data stream relating to events to a Media Service Manager (Media Services Manager 1808 fig.18) for further processing (see fig.18, col.9 line 10 to col.10 line 46] as rejected above.

* Applicant asserts that the combination of Barker and Sampat would not result in the Applicant's claimed invention.

Applicant simply asserts "the references would not result in the claimed invention". This quote is the extent of explanation provided by Applicant in support of claims 1, 14 and 27. This response by Applicant is insufficient to satisfy the requirement of specific argument to have the claims considered for patentability; in accordance with 37 C.F.R. § 1.111 Applicant must distinctly and specifically point out "how the language of the claims patentably distinguishes them from the references". Accordingly, a prima facie case of obviousness is maintained as set forth in the rejections above.

* Applicant asserts that the Barker reference does not disclose the event distribution server sinks are distributed to provide load balancing.

Barker discloses the event distribution server sinks are distributed to provide load balancing by using a management server to control overload against uncontrolled event streams and to monitor the number of client requests associated with applications (see col.29 line 27 to col.30 line 42 and col.37 line 4 to col.38 line 63).

Therefore, the examiner asserts that cited prior art teaches or suggests the subject matter broadly recited in independent claims 1, 14 and 27.

Claims 2-9, 11-13, 15-22, 24-27, 29-35 and 37-39 are also rejected at least by virtue of their dependency on independent claims and by other reasons set forth in the previous office action. Accordingly, claims 1-9, 11-22, 24-35 and 37-39 are respectfully rejected.

Conclusion

6. Claims 1-9, 11-22, 24-35 and 37-39 are rejected.
7. Claims 10, 23 and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (703) 272-3939. The fax phone number for this group is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khanh Dinh
Patent Examiner
Art Unit 2151
2/6/2005


PATRICE WINDER
PRIMARY EXAMINER